

## REVIEW OF THE THREE BRANCHES OF GOVERNMENT

### LEGISLATIVE BRANCH

The legislative branch of the U.S. government is the U.S. Congress, created by Article I of the Constitution. The upper house of Congress is the **U.S. Senate**; the lower house is the **House of Representatives**.

#### **Main roles and powers:**

- ✓ To pass legislation(laws)
- ✓ Declare war
- ✓ Regulate trade
- ✓ Regulate money
- ✓ Impeach federal officials
- ✓ Override presidential vetoes (2/3 vote in each house is needed)

#### **Special powers and responsibilities**

##### **Senate:**

- ✓ Approve presidential nominations to the federal courts (including the Supreme Court, by majority vote)
- ✓ Approve presidential appointments to federal positions (by a majority vote)
- ✓ Approve treaties (by a 2/3 vote)
- ✓ Serve as jury in impeachment trials
- ✓ Select a Vice-President if the Electoral College fails to

##### **House of Representatives**

- ✓ Originate all spending (\$\$) bills
- ✓ Serve as prosecution in impeachment trial
- ✓ Select a President if the Electoral College fails to

#### **Requirements and Terms of Service**

**Senate:** Your senators are: \_\_\_\_\_ & \_\_\_\_\_

**Term:** Senators serve unlimited 6-year terms, elected by popular vote (\*\* note: The original Constitution called for Senators to be elected by the state legislatures; the 17<sup>th</sup> Amendment changed this to a popular vote).

**Requirements:** Senators must be over 30, a U.S. citizen for 9 years & a resident of the state they are representing;

**Vice-President of the U.S.** is the assigned "President of the Senate" & is the tie-breaker in a vote and his name is : \_\_\_\_\_

**Representation:** Each State has 2 senators

**House of Representatives:** Your representative's name is \_\_\_\_\_

**Term:** Representatives serve unlimited 2-year terms, elected by popular vote; the entire House must be elected every two years.

**Requirements:** Representatives must be over 25, a U.S. citizen for 7 years, and a resident of the state they are representing.

**Speaker of the House** is the presiding officer of the House. \_\_\_\_\_

**Representation:** Each state's number of representatives is proportional to the population. The number of Representatives is fixed as **435** and division among the states is determined by the **census** (population count) conducted every 10 years as required by the Constitution.

## **EXECUTIVE BRANCH**

The Executive branch of the U.S. government is composed of the President, his advisors and all federal agencies and their heads. The executive was created by Article II of the Constitution.

### **Main roles and powers:**

#### **CHIEF EXECUTIVE**

- ✓ Enforce the laws passed by Congress
- ✓ Issue executive orders, enforcing the law
- ✓ Act as the head of the federal bureaucracy and all federal agencies
- ✓ Nominate judges (including those to the Supreme Court requiring Senate confirmation)
- ✓ Appoint government officials (some requiring Senate confirmation, some not)

#### **CHIEF DIPLOMAT**

- ✓ Act as a representative of the United States to foreign governments
- ✓ Make treaties with foreign nations (require 2/3 vote in Senate for approval)
- ✓ Extend or rescind diplomatic recognition of foreign nations

## **CHIEF LEGISLATOR**

- ✓ *Propose a federal budget*
- ✓ *Recommend proposed laws to Congress*
- ✓ *Veto Legislation or approve legislation passed by Congress*

## **COMMANDER- IN -CHIEF OF ARMED FORCES**

- ✓ *Supreme commander of all branches of U.S. military*
- ✓ *Authorize use of U.S. military for up to 60 days (without approval of Congress or declaration of war)*

## **CHIEF OF STATE**

- ✓ *Serve as ceremonial head of U.S. government*

## ***Special powers and responsibilities***

### **Judicial:**

- ✓ *Grant Pardons:* *forgiving an individual of his/her crime(s)*
- ✓ *Grant Amnesty:* *forgiving a group of people of a specific class of crime*

### ***Requirements & terms of service:***

***Terms:*** *Presidents serve a maximum of 2 terms of 4 years (\*\* note: the original Constitution allowed unlimited terms of service; this was revised by the 22<sup>nd</sup> Amendment in 1951)*

***Requirements:*** *the President (or Vice-President) must be over 35, a natural-born citizen and a 14 year resident of the United States*

## **JUDICIAL BRANCH**

*The Judicial Branch of the U.S. government is composed of the Supreme Court and all of the lower federal courts as created by Congress. The judicial branch was created by Article III of the Constitution. The most significant power of the judicial branch is that of **JUDICIAL REVIEW**, first stated by Chief Justice **John Marshall** in the 1803 case of **Marbury v. Madison**, but not expressly granted the court by the Constitution.*

### ***Main Roles & Powers:***

- ✓ *Interpret the law*
- ✓ *Exercise the power of judicial review*
- ✓ *Chief Justice presides over trials of presidential impeachment*

**Judicial Review:**

- ✓ *Determine if laws passed by Congress are allowable by the Constitution*
- ✓ *Determine if treaties negotiated by the President and approved by the Senate are allowable by the Constitution*
- ✓ *Determine if actions by the President in enforcing the law are allowable by the Constitution*
- ✓ *Determine if laws passed by states are allowable by the Constitution*

**Jurisdiction (Supreme Court)**

- ✓ *The Supreme Court hears cases of appeal from lower federal and state courts*
- ✓ *The Supreme Court has original jurisdiction (may hear a case first) in cases involving a state v. state matter or a branch v. branch matter*

**Requirements and Terms of Service:**

**Terms:** *Judges serve for life; they are nominated by the president and approved by the Senate but may be removed by an impeachment proceeding*

**Requirements:** *There are no specific requirements for judgeship in the Constitution*